

REMARKS

The above-identified application has been carefully reviewed in light of the Examiner's communication mailed January 11, 2005, which included a final rejection of all claims presented. Applicant submits that the amendments and remarks included herein show the present claims to be allowable. In addition, this AMENDMENT D is being submitted with a Request for Continued Examination (RCE), and required fee. Therefore, applicant respectfully requests that this AMENDMENT D be considered on its merits.

Applicant gratefully acknowledges the Examiner for the courtesy shown applicant's attorney, Mr. Fisher, at the interview granted on January 31, 2005.

In order to facilitate the prosecution of the above-identified application, and as agreed to at the above-noted interview, the present claims have been amended to include reference to specific molecular weights and molecular weight differences. However, applicant does not concede the propriety of the rejections set forth in the above-noted Examiner's communication, and expressly reserves the right to seek patent protection for any and all of the previous claims and/or any other claims in one or more later filed related applications.

Independent claims 1 and 20 have been amended to recite that the first polyanionic component portion has a weight average molecular weight in a range of about 250,000 to about 700,000; the second polyanionic component portion has a weight average molecular weight in a range of about 90,000 to about 250,000; and the difference in the molecular weights between the first and second portions is at least about 50,000. Claims 2 and 3 have been amended to be consistent with the amendments to claim 1. Claims 17, 21 and 22 have been canceled, without prejudice to be

consistent with the amendments to claims 1 and 20. Each of these amendments is fully supported by the present specification. For example, the amendments to claims 1 and 20 are supported by Examples 1 and 5 to 10 of the specification, as well as page 3, lines 10 to 19 of the specification. Applicant submits that no new matter is included.

The Examiner has questioned the commercial launch of the Refresh Liquigel product having taken place less than one year prior to the filing date of the above-identified application.

This initial commercial product launch was discussed during the above-noted interview. Based on this discussion, applicant understands that the Examiner agreed at the interview that such initial commercial product launch is not prior art with respect to the above-identified application, and further agreed to withdraw any question regarding such product launch.

Claims 1-4, 9, 11-25, 28 and 30-34 have been rejected under 35 U.S.C. 112, first paragraph. Applicant traverses this rejection as it pertains to the present claims 1-4, 9, 11-16, 18-20, 23-25, 28 and 30-34.

The present claims are directed to ophthalmic compositions comprising an ophthalmically acceptable carrier component and a polyanionic component.

In independent claim 1, the polyanionic component includes a first polyanionic component portion having a first weight average molecular weight in a range of about 250,000 to about 700,000 and a second polyanionic component portion having a second weight average molecular weight in a range of about 90,000 to about 250,000. The first and second molecular weights differ by at least about 50,000. The first and second polyanionic component portions are each present in an amount effective to provide lubrication to an eye when the composition is administered to the eye.

In independent claim 20, the polyanionic component includes at

least a first polyanionic component portion having a weight average molecular weight in a range of about 250,000 to about 700,000 and a second polyanionic component portion having a weight average molecular weight in a range of about 90,000 to about 250,000, with the two molecular weights differing by at least about 50,000. Each of the at least two polyanionic component portions is present in an amount of at least about 0.1% (w/v) of the composition.

In the above independent claims, the first and second polyanionic component portions are selected from anionic cellulosic derivatives and mixtures thereof.

During the above-noted interview, the Examiner stated that, in order to overcome the rejection under 35 U.S.C. 112, first paragraph, the present claims should recite numerical molecular weight values disclosed in the above-identified application. Applicant submits that the present claims have been amended to recite such numerical molecular weight values. Such molecular weights are disclosed in Examples 1 and 5-10 of the above-identified application. Moreover, the present claims recite that the difference between the first and second molecular weights is at least about 50,000, which recitation is supported, for example, at page 3, lines 10 to 19 of the specification.

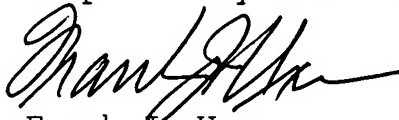
Applicant submits that applicant had possession of the invention set forth in the present claims, particularly since the present claims have been amended, as requested by the Examiner, to recite numerical molecular weight values disclosed in the present specification.

Therefore, applicant submits that the present claims, that is claims 1-4, 9, 11-16, 18-20, 23-25, 28 and 30-34, satisfy the requirements of 35 U.S.C. 112, first paragraph, and applicant respectfully requests that the rejection of these claims based on this statutory provision be withdrawn.

In conclusion, the present claims are patentable over the

prior art and satisfy the requirements of 35 U.S.C. 112, first paragraph. Therefore, applicant submits that claims 1-4, 9, 11-16, 18-20, 23-25, 28 and 30-34, are allowable and respectfully requests the Examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Respectfully submitted,



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